

**Impact Analysis – Proposed Rule Change
December 15, 2011**

Agency:	DHHS/Division of Child Development and Early Education
Contact:	Dedra Alston (919) 890-7060
Rule Title:	Child Care Requirements
State Impact:	No
Local Impact:	No
Substantial Economic Impact:	No

The NC Child Care Commission and the Division of Child Development and Early Education believes that these proposed rules meet the criteria of EO 70 because they will positively affect the health, safety and welfare of children and families and will lead to safer child care facilities and practices. These proposed adoptions and amendments are in accordance with S.L. 2010-117 to improve the nutrition standards in child care facilities.

The North Carolina Child Care Commission proposes the following rule changes in 10A NCAC 09:

Adopt

.1706 – Nutrition Standards

Amend

.0714 – Other Staffing Requirements
.0901 – General Nutrition Requirements
.0902 – General Nutrition Requirement for Infants
.1702 – Application for a License for a Family child Care Home
.1718 – Requirements for Daily Operations

Summary of Proposed Regulations

Statutory Authority for rule change: G.S. 110-85; 110-88(5); 110-91(2),(7)(8) & (12); 110-93; 110-99; 143B-168.3

Background

Description

The NC Child Care Commission is proposing to adopt and amend rules regarding the supervision and nutrition for children while in child care.

Purpose

.0714 - Amendments set the guidelines for staff to use when supervising children indoors or outdoors while they are in child care. Staff must know where children are at all times and be able to hear and see them. Also will add a provision from the Americans with Disabilities Act (ADA) for individuals with a disability who are seeking employment in child care.

- .0901** - In accordance with efforts to fight obesity in children, amendments will require that children not be served flavored milk, drinks, sweet tea, soda or sports drink while in child care and that food required by special diets for medical, religious or cultural reasons may be provided by the center or brought by parents to the center.
- .0902** - This amendment will require that infants not be served juice in a bottle without a written statement from a health care professional or licensed dietician/nutritionist.
- .1702** - This amendment is to move the paragraph regarding the accommodations for breastfeeding mothers from Rule .1702 to Rule .1706 along with all the nutritional standards.
- .1706** - The adoption of this rule will set out the nutrition standards for family child care homes, and will consolidate all nutrition rules for family child care homes under this section.
- .1718** - This amendment removes language pertaining to meals, snacks and non-nutritional drinks, bottle feeding and infant feeding schedule. The same language is being added to Rule .1706 so all rules related to nutrition in family child care homes are in one place.

Background

Childhood obesity is a serious concern in North Carolina. In 1995, 9% of children under the age of 5 that are served in NC public health clinics were determined to be obese. This percentage has increased to 15.6% of children in 2010. The General Assembly and the Legislative Task Force on Childhood Obesity, in response to this concern, invited researchers to share recommendations that would address these trends. This Task Force released a report that included the following statement:

“The Task Force finds, as presented by Sara Benjamin, Duke University Medical Center's Department of Community and Family Medicine, that nearly three-fourths of children ages two to six years are in some form of child care. There is evidence to suggest that child care attendance does contribute to childhood obesity. Dr. Benjamin presented the Task Force with model child care policies on healthy eating and physical activity and with state rankings for healthy eating and physical activity regulations that gave North Carolina an overall grade C.

The Task Force recommends that the General Assembly enact legislation to direct the Division of Child Development to work with the Child Care Commission to include in the Child Care Rules all of the following:

- Sugar sweetened beverages shall not be served at Child Care Centers or Homes regulated by the Division of Child Development;
- Reduced fat milk (skim or 1%) shall be served to children older than two years of age at Child Care Centers or Homes regulated by the Division of Child Development; and
- Juice shall be limited to a total of four to six ounces per day for children over one year of age at Child Care Centers or Homes regulated by the Division of Child Development.”

(The full report can be found at:

<http://www.ncleg.net/documentsites/committees/LTFCO/2010%20Task%20Force%20on%20Childhood%20Obesity%20Final%20Report%20.pdf>)

This report resulted in the passing of G.S. 110-91(2), which directed the Division of Public Health to conduct forums around the state and review additional research to inform recommendations for nutrition rule change in child care settings. This process occurred in Fall 2010 and the report from DPH was released in March 2011. This report, along with other reports from the American Academy of Pediatrics (<http://aappolicy.aappublications.org/cgi/content/full/pediatrics;112/2/424>) and the Center for Disease Control (<http://www.cdc.gov/obesity/downloads/ChildrensFoodEnvironment.pdf>) recommend that state

regulations should restrict or eliminate sugar sweetened beverages and whole fat milk in child care settings. The proposed rules are intended to reflect these recommendations and would benefit children in child care due to the fact that they promote healthy eating habits that might reduce the incidence of obesity and other health concerns.

Fiscal Impact

There is no estimated fiscal impact to local or state agencies. These changes would not require any additional staff or staff cost to the Division of Child Development or Early Education or to local agencies.

Proposed amendments to the following rules would have little to no impact on providers because they do not require additional food to be purchased, but instead limit the amounts of certain foods (i.e. juice) or prohibits providing some at all (i.e. soda, flavored milk). Some providers might experience some costs with regards to what food they stock, changing menus, etc.; while some might incur savings from providing water instead of soda and other similar drinks. Moreover, a number of providers are already compliant with the new requirements. Meeting these requirements will not affect providers' ability to participate in the Child and Adult Care Food Program and be reimbursed as they have been historically.

10A NCAC 09 .0714 OTHER STAFFING REQUIREMENTS

(a) Each child care center shall have an administrator on site on a regular basis. The administrator shall be responsible for monitoring the program and overseeing administrative duties of the center. This requirement may be met by having one or more persons on site who meet the requirements for an administrator according to the licensed capacity of the center. The following hourly requirements are based on an administrator's normal working schedule and may include times when the administrator may be off site due to administrative duties, illness, or vacation.

- (1) Each center with a licensed capacity of less than 30 children shall have an administrator on site for at least 20 hours per week.
- (2) Each center with a licensed capacity of 30 to 79 children shall have an administrator on site for at least 25 hours per week.
- (3) Each center with a licensed capacity of 80 to 199 children shall have an administrator on site for at least 30 hours per week.
- (4) Each center with a licensed capacity of 200 or more children shall have an administrator on site for at least 40 hours per week.

(b) At least one person who meets the requirements for an administrator or lead teacher as set forth in this Section shall be on site during the center's operating hours except that a person who is at least 18 years old with at least a high school diploma or its equivalent and who has a minimum of one year's experience working with children in a child care center may be on duty at the beginning or end of the operating day provided that:

- (1) No more than 10 children are present.
- (2) The staff person has worked in that center for at least three months.
- (3) The staff person knows and can apply the center's operating policies and emergency procedures.

(c) At least one person who meets the requirements for a lead teacher shall be responsible for each group of children as defined in Rule .0102 of this ~~Subchapter~~ Chapter except as provided in Paragraph (b) of this Rule. This requirement may be met by having one or more persons who meet the requirements for a lead teacher responsible for the same group of children. Each lead teacher shall be responsible for only one group of children at a time. Each group of children shall have a lead teacher in attendance for at least two-thirds of the total daily hours of operation, based on a normal working schedule and may include times when the lead teacher may not be in attendance due to circumstances such as illness or vacation.

(d) A teacher is a person who is responsible to the lead teacher and assists with planning and implementing the daily program.

(e) No aide or aides shall have responsibility for a group of children except as provided in Paragraph (b) of this Rule.

(f) Children shall be adequately supervised at all times. Adequate supervision shall mean ~~that that:~~ staff interact with the children while moving about the indoor or outdoor area, and are able to hear and see the children at all times, except when emergencies necessitate that direct supervision is impossible for brief periods of time.

(1) Staff must be positioned in the indoor and outdoor environment to maximize their ability to hear or see the children at all times and render immediate assistance;

(2) Staff must interact with the children while moving about the indoor or outdoor area;

(3) Staff must know where each child is located and be aware of children's activities at all times;

(4) Staff must provide supervision appropriate to the individual age, needs and capabilities of each child; and

(5) All of the conditions in this Paragraph shall apply except when emergencies necessitate that direct supervision is impossible for brief periods of time. Documentation of emergencies shall be maintained and available for review by Division representatives upon request.

(g) Nothing contained in this Rule shall be construed to preclude a "qualified person with a disability", as defined by G.S. 168A-3(9), or a "qualified individual with a disability", as defined by the Americans With Disabilities Act at 42 U.S.C. §12111(8), from working in a licensed child care facility.

~~(g)~~(h) For groups of children aged two years or older, the staff/child ratio during nap time is considered in compliance if at least one person is either in each room or is visually supervising all the children and if the total number of required staff are on the premises and within calling distance of the rooms occupied by children.

~~(h)~~(i) When a child is sleeping, bedding or other objects shall not be placed in a manner that covers the child's face.

History Note: Authority G.S. 110-85(1); 110-91(7),(8); 143B-168.3;

Eff. July 1, 1988;

Amended Eff. July 1, 2012; May 1, 2004; July 1, 1998; January 1, 1996; October 1, 1991;

November 1, 1989.

(a) Meals and snacks served to children in a child care center shall comply with the Meal Patterns for Children in Child Care Programs from the United States Department of Agriculture (USDA) which are based on the recommended nutrient intake judged by the National Research Council to be adequate for maintaining good nutrition. The types of food, number and size of servings shall be appropriate for the ages and developmental levels of the children in care. The Meal Patterns for Children in Child Care Programs are incorporated by reference and include subsequent amendments. A copy of the Meal Patterns for Children in Child Care Programs is available free of charge from the Division at the address in Rule .0102(1) of this Chapter.

(b) Menus for nutritious meals and snacks shall be planned at least one week in advance. At least one dated copy of the current week's menu shall be posted where it can be seen easily by parents and food preparation staff when food is prepared or provided by the center, except in centers with a licensed capacity of 3 to 12 children located in a residence. A variety of food shall be included in meals and snacks. Any substitution shall be of comparable food value and shall be recorded on the menu.

(c) Children ages two years and older shall be served either skim or low fat milk.

~~(e)~~(d) When children bring their own food for meals or snacks to the center, if the food does not meet the nutritional requirements specified in Paragraph (a) of this Rule, the center must provide additional food necessary to meet those requirements. Food brought from home may reflect cultural and ethnic preferences, such as a vegetarian diet.

~~(d)~~(e) Drinking water must be freely available to children of all ages. Drinking fountains or individual drinking utensils shall be provided. When a private water supply is used, it must be tested by and meet the requirements of the Commission for Public Health.

~~(e)~~(f) Children's special diets or food allergies shall be posted in the food preparation area and in the child's eating area.

~~(f)~~(g) The food required by special diets for medical, religious or cultural reasons, may be provided by the center or may be brought to the center by the parents. If the diet is prescribed by a health care professional, a statement signed by the health care professional shall be on file at the center and written instructions shall be provided by the child's parent, health care professional, or a licensed dietician/nutritionist. If the diet is not prescribed by a health care professional, written instructions shall be provided by the child's parent and shall be on file at the center.

~~(g)~~(h) Food ~~and beverages~~ with little or no nutritional value served as a snack, such as cookies, chips, donuts, sweets, fruit drinks, soft drinks, etc., shall be available only for special occasions.

(i) Children shall not be served flavored milk or sugary drinks, including Kool-Aid, fruit drinks, sports drinks, sweet tea and soda. No more than 6 ounces of 100 percent fruit juice shall be offered per day.

(j) Staff shall role model appropriate eating behaviors by not consuming foods or beverages with little or no nutritional value in the presence of children in care.

~~(h)~~(k) Parents shall be allowed to provide breast milk for their children. Accommodations for breastfeeding mothers shall be provided that include seating and an electrical outlet in a place other than a bathroom that is shielded from view by staff and the public which may be used by mothers while they are breastfeeding or expressing milk.

History Note: Authority G.S. 110-85; 110-91(2); 143B-168.3;

Eff. January 1, 1986;

Amended Eff. July 1, 2012; July 1, 2010; July 1, 1998; October 1, 1991; November 1, 1989.

10A NCAC 09 .0902 GENERAL NUTRITION REQUIREMENTS FOR INFANTS

(a) The parent or health care provider of each child under 15 months of age shall provide the center an individual written feeding schedule for the child. This schedule must be followed at the center. This schedule must include the child's name, be signed by the parent or health care provider, and be dated when received by the center. Each infant's schedule shall be modified in consultation, with the child's parent and/ or health care provider, to reflect changes in the child's needs as he or she develops. The feeding instructions for each infant shall be posted for quick reference by the caregivers, except in centers licensed for three to 12 children located in a residence.

(b) Each infant will be held for bottle feeding until able to hold his or her own bottle. Bottles will not be propped. Each child will be held or placed in feeding chairs or other age-appropriate seating apparatus to be fed.

(c) Infants shall not be served juice in a bottle without a prescription or written statement on file from a health care professional or licensed dietician/nutritionist.

History Note: Authority G.S. 110-85; 110-91(2); 143B-168.3;

Eff. January 1, 1986;

Amended Eff. July 1, 2012; July 1, 1998; October 1, 1991; November 1, 1989.

10A NCAC 09 .1702 APPLICATION FOR A LICENSE FOR A FAMILY CHILD CARE HOME

(a) Any person who plans to operate a family child care home shall apply for a license using a form provided by the Division. The applicant shall submit the completed application, which complies with the following, to the Division:

- (1) Only one licensed family child care home shall operate at the location address of any home.
 - (2) The applicant shall list each location address where a licensed family child care home will operate.
- (b) When a family child care home will operate at more than one location address by cooperative arrangement among two or more families, the following procedures apply:
- (1) One parent whose home is used as a location address shall be designated the coordinating parent and shall co-sign the application with the applicant.
 - (2) The coordinating parent shall know the current location address at all times and shall provide the information to the Division upon request.
- (c) The applicant shall assure that the structure in which the family child care home is located complies with the following requirements:
- (1) The structure complies with the North Carolina Building Code for family child care homes or has written approval for use as a family child care home by the local building inspector.
 - (2) The structure meets North Carolina Residential Building Code or is a manufactured home bearing a third party inspection label certifying compliance with the Federal Manufactured Home Construction and Safety Standards or certifying compliance with construction standards adopted and enforced by the State of North Carolina. Homes shall be installed in accordance with North Carolina Manufactured/Mobile Home Regulations adopted by the NC Department of Insurance.
Exception: Single wide manufactured homes are limited to a maximum of three preschool-age children (not more than two may be two years of age or less) and two school-age children.
 - (3) All children are kept on the ground level with an exit at grade.
 - (4) All homes are equipped with an electrically operated (with a battery backup) smoke detector, or one electrically operated and one battery operated smoke detector located next to each other.
 - (5) All homes are provided with at least one five pound 2-A: 10-B: C type extinguisher readily accessible for every 2,500 square feet of floor area.
 - (6) Fuel burning space heaters, fireplaces and floor furnaces which are listed and approved by the Department of Insurance for that installation and are provided with a protective screen attached securely to supports are allowed. Unvented fuel burning heaters and portable electric space heaters of all types are prohibited.

- (7) All indoor areas used by children are heated when the temperature is below 65 degrees and ventilated when the temperature is above 85 degrees.
- (8) Hot pipes or radiators which are hot enough to be capable of burning children and are accessible to the children are covered or insulated.
- ~~(9) Accommodations for breastfeeding mothers are provided that include seating and an electrical outlet, in a place other than a bathroom, that is shielded from view by staff and the public, which may be used by mothers while they are breastfeeding or expressing milk.~~

(d) The applicant shall also submit supporting documentation with the application for a license to the Division. The supporting documentation shall include:

- (1) a copy of the certified criminal history check from the Clerk of Superior Court's office in the county or counties where the applicant and any household member(s) over age 15, have resided during the previous 12 months;
- (2) a copy of documentation of completion of a first aid and cardiopulmonary resuscitation (CPR) course;
- (3) proof of negative results of the applicant's tuberculosis test completed within the past 12 months;
- (4) a completed health questionnaire;
- (5) a copy of current pet vaccinations for any pet in the home;
- (6) a negative well water bacteriological analysis if the home has a private well;
- (7) copies of any inspections required by local ordinances; and
- (8) any other documentation required by the Division according to the rules in this Section to support the issuance of a license.

(e) Upon receipt of a complete application and supporting documentation, a Division representative shall make an announced visit to each home unless the applicant meets the criteria in Paragraph (g) of this Rule to determine compliance with the requirements, to offer technical assistance when needed, and to provide information about local resources. The issuance of a license applies as follows:

- (1) If all applicable requirements of G.S. 110 and this Section are met, a license shall be issued;
- (2) If the applicable requirements are not met but the applicant has the potential to comply, the Division representative shall establish with the applicant a time period for the home to achieve compliance. If the Division representative determines that all applicable requirements are met within the established time period, a license shall be issued; or

- (3) If all applicable requirements are not met or cannot be met within the established time, the Division shall deny the application. Final disposition of the recommendation to deny is the decision of the Division.

(f) The Division shall allow the applicant to temporarily operate prior to the Division representative's visit described in Paragraph (e) of this Rule when the applicant is currently licensed as a family child care home operator, needs to relocate, and notifies the Division of the relocation; and the Division representative is unable to visit before the relocation occurs. A person shall not operate until he or she has received from the Division either temporary permission to operate or a license.

(g) When a person applies for a family child care home license, the Secretary may deny the application for the license under the following circumstances:

- (1) if any child care facility license previously held by that person has been denied, revoked or summarily suspended by the Division;
- (2) if the Division has initiated denial, revocation or summary suspension proceedings against any child care facility license previously held by that person and the person voluntarily relinquished the license;
- (3) during the pendency of an appeal of a denial, revocation or summary suspension of any child care facility license previously held by that person;
- (4) if the Division determines that the applicant has a relationship with an operator or former operator who previously held a license under an administrative action described in Subparagraph (g)(1), (2), or (3) of this Rule. As used in this Rule, an applicant has a relationship with a former operator if the former operator would be involved with the applicant's child care facility in one or more of the following ways:
 - (A) would participate in the administration or operation of the facility;
 - (B) has a financial interest in the operation of the facility;
 - (C) provides care to the children at the facility;
 - (D) resides in the facility; or
 - (E) would be on the facility's board of directors, be a partner of the corporation, or otherwise have responsibility for the administration of the business;
- (5) based on the person's previous non-compliance as an operator with the requirements of G.S. 110 and this Chapter; or
- (6) if abuse or neglect has been substantiated against the person, or if abuse or neglect was substantiated against a household member.

(h) In determining whether denial of the application for a license is warranted pursuant to Paragraph (g) of this Rule, the Division shall consider:

- (1) any documentation provided by the applicant which describes the steps the applicant will take to prevent reoccurrence of noncompliance issues which led to any prior administrative action taken against a license previously held by the applicant;
 - (2) training certificates or original transcripts from a nationally recognized regionally accredited institution of higher learning related to providing quality child care for any coursework, and which were taken subsequent to any prior administrative action taken against a license previously held by the applicant. Nationally recognized means that every state in this nation acknowledges the validity of the coursework taken at higher education institutions that meet the requirements of one of the six regional accrediting bodies;
 - (3) proof of employment in a licensed child care facility and references from the administrator or licensee of the child care facility regarding work performance;
 - (4) documentation of collaboration or mentorship with a licensed child care provider to obtain additional knowledge and experience related to operation of a child care facility; and
 - (5) documentation explaining relationships with persons meeting the criteria listed in Subparagraph (g)(4) of this Rule.
- (i) The license shall not be bought, sold, or transferred from one individual to another.
 - (j) The license is valid only for the location address listed on it.
 - (k) The license must be returned to the Division in the event of termination, revocation, suspension, or summary suspension.
 - (l) The license shall be displayed in a prominent place that parents are able to view daily and shall be shown to each child's parent when the child is enrolled.
 - (m) A licensee shall notify the Division whenever a change occurs which affects the information shown on the license.

History Note: Authority G.S. 110-85; 110-88(5); 110-91; 110-93; 110-99; 143B-168.3;

Eff. January 1, 1986;

Amended Eff. July 1, 2012; August 1, 2011; July 1, 2010; April 1, 2003; April 1, 2001; July 1, 1998; January 1, 1991; November 1, 1989; January 1, 1987.

10A NCAC 09 .1706 NUTRITION STANDARDS

(a) Meals and snacks served to children in a Family Child Care Home shall comply with the Meal Patterns for Children in Child Care Programs from the United States Department of Agriculture (USDA)

which are based on the recommended nutrient intake judged by the National Research Council to be adequate for maintaining good nutrition. The types of food, number and size of servings shall be appropriate for the ages and developmental levels of the children in care. The Meal Patterns for Children in Child Care Programs are incorporated by reference and include subsequent amendments. A copy of the Meal Patterns for Children in Child Care Programs is available free of charge from the Division at the address in Rule .0102(1) of this Chapter.

(b) When children bring their own food for meals and snacks to the program, if the food does not meet the nutritional requirements specified in Paragraph (a) of this Rule, the operator must provide the additional food necessary to meet those requirements. Food brought from home may reflect cultural and ethnic foods, such as vegetarian preferences.

(c) The food required by special diets for medical, religious or cultural reasons, may be provided by the operator or may be brought to the program by the parents. If the diet is prescribed by a health care professional, a statement signed by the health care professional shall be on file at the program and written instructions must be provided by the child's parent, health care professional or a licensed dietician/nutritionist. If the diet is not prescribed by a health care professional, written instructions shall be provided by the child's parent and shall be on file at the program.

(d) Food with little or no nutritional value served as snack, such as cookies, chips, donuts; etc shall be available only for special occasions.

(f) For children ages 24 months and older a meal or snack must be provided at least every four hours.

(g) The parent or health care professional of each child under 15 months of age shall provide the operator an individual written feeding schedule for the child. This schedule shall be followed at the home. This schedule shall include the child's name, be signed by the parent or health care professional, and be dated when received by the operator. Each infant's schedule shall be modified in consultation with the child's parent or health care professional to reflect changes in the child's needs as he or she develops.

(h) Parents shall be allowed to provide breast milk for their children. Accommodations for breastfeeding mothers are provided that include seating and an electrical outlet, in a place other than a bathroom, that is shielded from view by staff and the public, which may be used by mothers while they are breastfeeding or expressing milk.

(i) Each infant shall be held for bottle feeding until able to hold his or her own bottle. Bottles shall not be propped. Each child shall be held or placed in feeding chairs or other age-appropriate seating apparatus to be fed.

(j) Any formula which is prepared by the operator shall be prepared according to the instructions on the formula package or label, or according to written instructions from the child's health care professional.

(k) Infants shall not be served juice in a bottle without a prescription or written statement on file from a health care professional or licensed dietician/nutritionist.

(l) Drinking water must be freely available and offered to children on a frequent basis.

(m) When milk, milk products, or fruit juices are provided by the operator, only pasteurized products or products which have undergone an equivalent process to pasteurization shall be used.

(n) Children ages two years and older shall be served either skim or low fat milk.

(o) Children shall not be served flavored milk or sugary drinks, including Kool-Aid, fruit drinks, sports drinks, sweet tea and soda. No more than 6 ounces of 100 percent fruit juice shall be offered per day.

*History Note: Authority G.S. 110-85; 110-91(2); 143B-168.3;
Eff. July 1, 2012.*

10A NCAC 09 .1718 REQUIREMENTS FOR DAILY OPERATIONS

(a) The operator shall provide the following on a daily basis for all children in care:

~~(1) — Meals and snacks which comply with the Meal Patterns for Children in Child Care Programs from the United States Department of Agriculture (USDA) which are based on the recommended nutrient intake judged by the National Research Council to be adequate for maintaining good nutrition. The types of food and number and size of servings shall be appropriate for the ages and developmental levels of the children in care. The Meal Patterns for Children in Child Care Programs are incorporated by reference and include subsequent amendments. A copy of the Meal Patterns for Children in Child Care Programs is available free of charge from the Division at the address in Rule .0102 of this Chapter;~~

~~(2) — A meal or snack at least every four hours;~~

~~(3) — Drinking water freely available to children;~~

~~(4)~~(1) Developmentally appropriate equipment and materials for a variety of outdoor activities which allow for vigorous play, large and small muscle development, and social, emotional, and intellectual development. Each child shall have the opportunity for outdoor play each day that weather conditions permit. The operator shall provide space and time for vigorous indoor activities when children cannot play outdoors;

~~(5)~~(2) An individual sleeping space such as a bed, crib, play pen, cot, mat, or sleeping bag with individual linens for each pre-school aged child in care for four hours or more, or for all children if overnight care is provided, to rest comfortably. Individual sleep requirements

- for infants aged 12 months or younger shall be provided for as specified in 10A NCAC 09 .1724(a)(2). Linens shall be changed weekly or whenever they become soiled or wet;
- ~~(6)~~(3) A quiet, separate area which can be easily supervised for children too sick to remain with other children. Parents shall be notified immediately if their child becomes too sick to remain in care;
- ~~(7)~~(4) Adequate supervision as described below:
- (A) For children who are awake, staff shall interact with the children while moving about the indoor or outdoor area, and shall be able to hear and see the children at all times, except when emergencies necessitate that direct supervision is impossible for brief periods of time; and
 - (B) For children who are sleeping or napping, the staff are not required to visually supervise them, but shall be able to hear and respond quickly to them. Children shall not sleep or nap in a room with a closed door between the children and the supervising staff. The staff shall be on the same level of the home where children are sleeping or napping.
- ~~(8)~~(5) A safe sleep environment by ensuring that when a child is sleeping or napping, bedding or other objects shall not be placed in a manner that covers the child's face;
- ~~(9)~~(6) The opportunity each day for each child under the age of 12 months to play while awake while positioned on his or her stomach;
- ~~(10)~~(7) Developmentally appropriate activities as planned on a written schedule. Materials or equipment shall be available indoors and outdoors to support the activities listed on the written schedule. The written schedule shall:
- (A) Show blocks of time usually assigned to types of activities and include periods of time for both active play and quiet play or rest;
 - (B) Be displayed in a place where parents are able to view;
 - (C) Reflect daily opportunities for both free choice and guided activities;
 - (D) Include a minimum of one hour of outdoor play throughout the day, if weather conditions permit; and
 - (E) Include a daily gross motor activity which may occur indoors or outdoors; and
- ~~(11)~~(8) When screen time, including videos, video games, and computer usage, is provided, it shall be:
- (A) Offered only as a free choice activity,
 - (B) Used to meet a developmental goal, and

- (C) Limited to no more than two and a half hours per week for each child two years of age and older.

Usage time periods may be extended for specific special events, projects, occasions such as a current event, homework, on-site computer classes, holiday; and birthday celebration. Screen time is prohibited for children under the age of two years. The operator shall offer alternate activities for children under the age of two years.

~~(b) When milk, milk products, or fruit juices are provided by the operator, only pasteurized products or products which have undergone an equivalent process to pasteurization shall be used. Any formula which is prepared by the operator shall be prepared according to the instructions on the formula package or label, or according to written instructions from the child's health care professional.~~

~~(c) Each infant shall be held for bottle feeding until able to hold his or her own bottle. Bottles shall not be propped. Each child shall be held or placed in feeding chairs or other age appropriate seating apparatus to be fed.~~

~~(d) The parent or health care professional of each child under 15 months of age shall provide the operator an individual written feeding schedule for the child. This schedule shall be followed at the home. This schedule shall include the child's name, be signed by the parent or health care professional, and be dated when received by the operator. Each infant's schedule shall be modified in consultation with the child's parent or health care professional to reflect changes in the child's needs as he or she develops.~~

History Note: Authority G.S. 110-85; 110-88; 110-91(2),(12);

Eff. July 1, 1998;

Amended Eff. July 1, 2012; July 1, 2010; March 1, 2006; May 1, 2004.